

new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . STUDY RELATING TO CONSEQUENCES AND BENEFITS OF AMENDING THE CFAA.

(a) **STUDY.**—The Secretary of Homeland Security, in consultation with the heads of other appropriate agencies, shall conduct a study on the consequences and benefits of amending section 1030 of title 18, United States Code (commonly known as the “Computer Fraud and Abuse Act”), to allow private entities to take proportional actions in response to an unlawful network breach, subject to oversight and regulation by a designated Federal agency.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report on the findings of the study conducted under subsection (a), including any recommendations, to Congress.

(2) **REQUIRED CONTENTS.**—The report required under paragraph (1) shall include recommendations for which Federal agency or agencies may authorize proportional actions by private entities, which entities would be allowed to take such actions and under what circumstances, and what actions would be permissible.

SA 1794. Mr. VAN HOLLEN submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . HIGH RESEARCH ACTIVITY STATUS HBCUS.

(a) **FINDINGS.**—Congress finds the following:

(1) Historically Black Colleges and Universities hold a unique position in our efforts to diversify the science, technology, engineering, and mathematics academic and workforce communities.

(2) Even though our Nation's Historically Black Colleges and Universities make up just 3 percent of the colleges and universities in the United States, they graduate 25 percent of African-American students with bachelor's degrees in science, technology, engineering, and mathematics fields.

(3) Historically Black Colleges and Universities are the institution of origin among almost 30 percent of Black graduates of science and engineering doctorate programs.

(4) Historically Black Colleges and Universities are leaders of our Nation's research and development enterprise, and they are paving the way across sectors, having received over 100 utility patents in 40 years.

(5) A team of computer scientists at Morgan State University are conducting research to automate detection of concepts in biomedical images to reduce the burdens of annotation and interpretation of medical images while providing a decision support system for medical practitioners.

(6) Researchers at Howard University conducted a study across 6 decades to determine the underlying causes of the recent rapid increase in the incidence and diagnosis of hepatocellular carcinoma and liver metastases in Washington, DC, which is disproportionately impacting the Black population.

(7) In 2019, Historically Black Colleges and Universities received \$371,000,000, or about 0.8 percent of the \$44,500,000,000 in Federal funding to institutions of higher education for research and development.

(8) This number is a marked decrease from fiscal year 2018, when Historically Black Colleges and Universities received \$400,000,000 (0.9 percent) in Federal research and development funding.

(9) While there are 11 high research activity status Historically Black Colleges and Universities—Clark Atlanta University, Delaware State University, Florida A&M University, Hampton University, Howard University, Jackson State University, Morgan State University, North Carolina A&T University, Tennessee State University, Texas Southern University, and University of Maryland Eastern Shore—there are no very high research activity status Historically Black Colleges and Universities.

(10) Meaningfully investing in the research capacity of Historically Black Colleges and Universities is an investment in our Nation's future and will help meet the accelerating science, technology, engineering, and mathematics workforce demands in the United States.

(b) **PURPOSES.**—The purposes of the program established under this section shall be—

(1) to enable high research activity status Historically Black Colleges and Universities to achieve very high research activity status; and

(2) to increase the national number of African-American undergraduate and graduate students with degrees in science, technology, engineering, and mathematics.

(c) **DEFINITIONS.**—In this section:

(1) **DIRECTOR.**—The term “Director” means the Director of the National Science Foundation.

(2) **FEDERAL SCIENCE AGENCY.**—The term Federal science agency means any Federal agency with an annual extramural research expenditure of over \$100,000,000.

(3) **HIGH RESEARCH ACTIVITY STATUS.**—The term “high research activity status” means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(4) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term “Historically Black College or University” has the meaning given the term “part B institution” under section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(5) **VERY HIGH RESEARCH ACTIVITY STATUS.**—The term “very high research activity status” means such status, as classified by the Carnegie Classification of Institutions of Higher Education.

(d) **VERY HIGH RESEARCH ACTIVITY STATUS HISTORICALLY BLACK COLLEGES OR UNIVERSITIES PROGRAM.**—

(1) **PROGRAM.**—The Director is authorized to establish and carry out a program to make awards to grow high research activity status (R2) Historically Black Colleges or Universities to achieve very high research activity status (R1) while increasing the national number of African American under-

graduate, graduate, and post-doctoral students with degrees in science, technology, engineering, and mathematics. The Director may expand the program to other Historically Black Colleges or Universities beyond those Historically Black Colleges or Universities classified as high research activity status universities if the Director determines that the program can support such an expansion.

(2) **GRANTS.**—In carrying out the program, the Director shall award grants for scientific research on a competitive, merit-reviewed basis to Historically Black Colleges or Universities that are classified as high research activity status institutions at the time of application for such a grant.

(3) **INSTITUTIONAL AWARD LIMITATIONS.**—The Director may award not more than \$25,000,000 per year for a single institution under this section.

(4) **APPLICATION.**—

(A) **IN GENERAL.**—To be eligible to receive a grant under this section, a Historically Black College or University described in paragraph (2) shall submit an application to the Director at such time, in such manner, and containing such information and assurances as the Director may require.

(B) **CONTENTS.**—The application described in subparagraph (A) shall include, at a minimum, a description of—

(i) a plan for increasing the level of research activity and achieving very high research activity status classification within 10 years of the grant award, including measurable milestones such as growth in research expenditures, number of research doctoral degrees awarded, number of research-focused faculty, and other relevant factors;

(ii) how the institution of higher education will sustain the increased level of research activity beyond the duration of the award; and

(iii) how the implementation of the proposed plan will be evaluated and assessed.

(5) **PROGRAM COMPONENTS.**—

(A) **STRATEGIC AREAS OF SCIENTIFIC RESEARCH.**—Through coordination with Historically Black Colleges or Universities that are eligible to receive a grant under this section, the Director, or the Director's designee, shall establish mechanisms through which applicants can seek funding under this section.

(B) **USE OF FUNDS.**—An institution that receives a grant under this section shall use the grant funds to support research activities, including—

(i) faculty professional development;

(ii) stipends for graduate and undergraduate students and post-doctoral scholars;

(iii) laboratory equipment and instrumentation; and

(iv) other activities necessary to build research capacity.

(C) **RESEARCH ASSESSMENT.**—

(i) **IN GENERAL.**—An institution that submits a proposal for a grant under this section shall submit with their proposal a plan that describes the institution's plan to achieve very high research activity status, including making investments with institutional and non-Federal funds, to achieve that status within a decade of the grant award, to the extent practicable.

(ii) **UPDATED PLAN.**—An institution that receives a grant under this section shall submit to the Foundation an updated plan described in clause (i), not less than once every 3 years, which shall be based on a self-assessment of progress in achieving very high research activity status.

(D) **TRANSITION ELIGIBILITY.**—The Director may consider creating pathways for new Historically Black Colleges or Universities to enter into the program under this section as

participating institutions achieve very high research activity status.

(e) **REPORT ON IMPROVING THE RESEARCH CAPACITY AT HIGH RESEARCH ACTIVITY HISTORICALLY BLACK COLLEGES OR UNIVERSITIES.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this division, the National Science and Technology Council shall prepare and submit a report that—

(A) identifies challenges and barriers to Federal research grants for high research activity status Historically Black Colleges or Universities; and

(B) identifies recommendations for Federal science agencies to sustainably boost the research capacity of high research activity status Historically Black Colleges or Universities through grant-making authorities.

(2) **REPORT SUBMISSION.**—The National Science and Technology Council shall transmit the report to the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Defense, the Secretary of Energy, the Secretary of Health and Human Services, and the heads of other such agencies as determined relevant by the National Science and Technology Council.

(3) **INFORMATION FROM FEDERAL AGENCIES.**—

(A) **IN GENERAL.**—The National Science and Technology Council may secure directly from a Federal department or agency such information as the National Science and Technology Council considers necessary to carry out the report under this subsection.

(B) **FURNISHING INFORMATION.**—Upon a request from the National Science and Technology Council, the head of a Federal department or agency shall furnish such information as is requested to the National Science and Technology Council.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Foundation, for awards under this section, \$200,000,000 for fiscal year 2022 and each year thereafter.

SA 1795. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1502 proposed by Mr. SCHUMER to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2116 and insert the following:

SEC. 2116. AUTHORIZATION OF APPROPRIATIONS FOR THE FOUNDATION.

(a) **FISCAL YEAR 2022.**—

(1) **FOUNDATION.**—There is authorized to be appropriated to the Foundation \$12,269,200,000 for fiscal year 2022.

(2) **SPECIFIC NSF ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$10,469,200,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which \$800,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) \$1,800,000,000 shall be made available to the Directorate, of which—

(i) \$594,000,000 shall be for the innovation centers under section 2104;

(ii) \$324,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) \$252,000,000 shall be for academic technology transfer under section 2109;

(iv) \$180,000,000 shall be for test beds under section 2108;

(v) \$270,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(b) **FISCAL YEAR 2023.**—

(1) **FOUNDATION.**—There is authorized to be appropriated to the Foundation \$14,368,000,000 for fiscal year 2023.

(2) **SPECIFIC NSF ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$11,168,000,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which \$1,190,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) \$3,200,000,000 shall be made available to the Directorate, of which—

(i) \$1,056,000,000 shall be for the innovation centers under section 2104;

(ii) \$576,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) \$448,000,000 shall be for academic technology transfer under section 2109;

(iv) \$320,000,000 shall be for test beds under section 2108;

(v) \$480,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(c) **FISCAL YEAR 2024.**—

(1) **FOUNDATION.**—There is authorized to be appropriated to the Foundation \$18,198,200,000 for fiscal year 2024.

(2) **SPECIFIC NSF ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$11,898,200,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which \$1,600,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) \$6,300,000,000 shall be made available to the Directorate, of which—

(i) \$2,079,000,000 shall be for the innovation centers under section 2104;

(ii) \$1,134,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) \$882,000,000 shall be for academic technology transfer under section 2109;

(iv) \$630,000,000 shall be for test beds under section 2108;

(v) \$945,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(d) **FISCAL YEAR 2025.**—

(1) **FOUNDATION.**—There is authorized to be appropriated to the Foundation \$21,061,900,000 for fiscal year 2025.

(2) **SPECIFIC NSF ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$12,661,900,000 shall be made available to carry out the activities of the Foundation

outside of the Directorate, of which \$2,100,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) \$8,400,000,000 shall be made available to the Directorate, of which—

(i) \$2,772,000,000 shall be for the innovation centers under section 2104;

(ii) \$1,512,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) \$1,176,000,000 shall be for academic technology transfer under section 2109;

(iv) \$840,000,000 shall be for test beds under section 2108;

(v) \$1,260,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(e) **FISCAL YEAR 2026.**—

(1) **FOUNDATION.**—There is authorized to be appropriated to the Foundation \$22,562,520,000 for fiscal year 2026.

(2) **SPECIFIC NSF ALLOCATIONS.**—Of the amount authorized under paragraph (1)—

(A) \$13,262,520,000 shall be made available to carry out the activities of the Foundation outside of the Directorate, of which \$2,540,000,000 shall be for STEM education and related activities, including workforce activities under section 2202; and

(B) \$9,300,000,000 shall be made available to the Directorate, of which—

(i) \$3,069,000,000 shall be for the innovation centers under section 2104;

(ii) \$1,674,000,000 shall be for scholarships, fellowships, and other activities under section 2106;

(iii) \$1,302,000,000 shall be for academic technology transfer under section 2109;

(iv) \$930,000,000 shall be for test beds under section 2108;

(v) \$1,395,000,000 shall be for research and development activities under section 2107; and

(vi) an amount equal to 10 percent of the total made available to the Directorate under this subparagraph shall be transferred to the Foundation for collaboration with directorates and offices of the Foundation outside of the Directorate as described under section 2102(c)(7).

(f) **ALLOCATION AND LIMITATIONS.**—

(1) **ALLOCATION FOR THE OFFICE OF INSPECTOR GENERAL.**—From any amounts appropriated for the Foundation for a fiscal year, the Director shall allocate for necessary expenses of the Office of Inspector General of the Foundation an amount of not less than \$33,000,000 in any fiscal year for oversight of the programs and activities funded under this section in accordance with the Inspector General Act of 1978 (5 U.S.C. App.).

(2) **SUPPLEMENT AND NOT SUPPLANT.**—The amounts authorized to be appropriated under this section shall supplement, and not supplant, any other amounts previously appropriated to the Office of the Inspector General of the Foundation.

(3) **NO NEW AWARDS.**—The Director shall not make any new awards for the activities under the Directorate for any fiscal year in which the total amount appropriated to the Foundation (not including amounts appropriated for the Directorate) is less than the total amount appropriated to the Foundation (not including such amounts), adjusted by the rate of inflation, for the previous fiscal year.

(4) **NO FUNDS FOR CONSTRUCTION.**—No funds provided to the Directorate under this section shall be used for construction.